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November 30, 2023

VIA ECF

The Honorable Dale E. Ho
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Mullen Automotive, Inc. et al. v. TD Ameritrade, Inc. et al.*, No. 1:23-cv-07647-AT
Request for Extension of Time to File Amended Complaint

Dear Judge Ho:

This firm represents plaintiffs Mullen Automotive, Inc. and Ulysses Novoa in the above referenced action. Plaintiffs respectfully submit this letter pursuant to Individual Rule 2.e.i to request a short extension of time to file an amended complaint to allow for further time to investigate the factual assertions in Defendants' first set of pre-motion letters.

Plaintiffs' Complaint was filed on August 29, 2023 [Dkt. No. 1]. On September 13, 2023, before the time to respond to Plaintiffs' Complaint had expired, Defendants requested, with Plaintiffs' consent, an extension of time from September 21, 2023 to October 19, 2023 in order to exchange the first set of pre-motion letters required by your Judge Torres's Individual Rule III.B.ii [Dkt. No. 23]. Defendants' request was granted. On October 5, 2023, Defendants served their first set of pre-motion letters. After meeting and conferring with Defendants, Plaintiffs requested—with Defendants' consent—a 45-day extension until November 30, 2023 to amend their Complaint. That request was granted. On October 30, 2023, this action was transferred to Your Honor, and this Court issued an order providing that "all prior orders, dates, and deadlines shall remain in effect." [Dkt. No. 33].

We have been diligently investigating the factual assertions in Defendants' pre-motion letters and determining the appropriate response thereto but require a small amount of additional time and now request an 8-day extension to December 8, 2023 to the deadline to amend the Complaint.

Only one prior request for an extension—to November 30, 2023—was made, and that request was granted. Defendants consent to this extension, and the parties' next scheduled appearance before the Court is December 21, 2023, for an initial pretrial conference. [Dkt. No. 33]. This request is not expected to impact any other deadlines.

Warshaw Burstein, LLP

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Thank you for your consideration.

Respectfully submitted,

By: /s/ Alan M. Pollack
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cc: All parties via ECF